

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

FRANK TRUJILLO,

Plaintiff,

No. CIV S-04-0139 GEB KJM PS

vs.

UNITED STATES POSTAL SERVICE,

Defendants.

ORDER

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This action was referred to the undersigned based on Local Rule 72-302(c)(21). Hearing on defendants' motion for summary judgment is calendared for October 4, 2006. No opposition to the motion has been filed.

Local Rule 78-230(c) provides that opposition to the granting of a motion must be filed fourteen days preceding the noticed hearing date. The Rule further provides that "[n]o party will be entitled to be heard in opposition to a motion at oral arguments if written opposition to the motion has not been timely filed by that party." In addition, Local Rule 78-230(j) provides that failure to appear may be deemed withdrawal of opposition to the motion or may result in sanctions. Finally, Local Rule 11-110 provides that failure to comply with the Local Rules "may be grounds for imposition of any and all sanctions authorized by statute or Rule or within the inherent power of the Court."

1 Good cause appearing, IT IS HEREBY ORDERED that:

2 1. The hearing date of October 4, 2006 is vacated. Hearing on defendant's  
3 motion is continued to November 1, 2006 at 10:00 a.m. in courtroom no. 26.

4 2. Plaintiff shall file opposition, if any, to the motion no later than October 18,  
5 2006. Failure to file opposition and appear at the hearing will be deemed as a statement of non-  
6 opposition and shall result in a recommendation that this action be dismissed pursuant to Federal  
7 Rule of Civil Procedure 41(b).

8 DATED: September 26, 2006.

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11 UNITED STATES MAGISTRATE JUDGE  
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